



ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO  
PROPOSED AND INITIATED BY \_\_\_\_\_  
MOVED BY Sterling SECONDED BY Dages

BILL NO. B-40

ORDINANCE NO. 2010-47

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,  
RESCINDING ORDINANCE NO. 71-124, DISESTABLISHING  
BUSINESS IMPROVEMENT AREA NO. ONE AND  
DISCONTINUING THE LEVY OF A SPECIAL BUSINESS TAX  
THEREIN

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. The Council hereby declares and determines as follows:

(a) Pursuant to Streets and Highways Code of the State of California, Sections 36000 et seq., and Article 13 of Chapter 7 of the Fresno Municipal Code, this Council heretofore adopted its Resolution of Intention entitled "Resolution of the Council of the City of Fresno Declaring the Intention to Rescind Ordinance No. 71-124, Disestablish Business Improvement Area No. One (BIA No. 1) and Discontinue the Levy of Special Business Tax Therein and setting the Time and Place of Hearing Thereon, and caused said Resolution to be duly published and mailed as provided by law.

(b) A public hearing concerning the disestablishment of BIA No. One and discontinuance of the levy of special business tax therein was held on the 18<sup>th</sup> day of November, 2010, at 10:10 A.M., in the City Council Chambers, 2600 Fresno Street, Fresno, California. At said time and place, all written and oral protests made or filed where duly heard, evidence for and against the proposed action was received, and a full, fair, and complete hearing was granted and held. All protests were duly overruled, and it was determined by this Council that there was no majority protest under Streets and Highways Code Section 36023.

Adopted 11-18-10  
Approved 11-29-10  
Effective 12-31-10

2010-47



(c) The public interest, convenience, and necessity require the disestablishment of all areas and zones of BIA No. One and the discontinuance of the levy of special business tax therein.

(d) Ordinance No. 71-124 is hereby rescinded concurrently with the effective date of this ordinance.

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective and in full force and effect as of December 31, 2010.



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STATE OF CALIFORNIA )

COUNTY OF FRESNO ) ss.

CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the [18<sup>th</sup>] day of [November], 2010.

AYES: Borgeas, Brand, Dages, Perea, Sterling, Xiong, Westerlund

NOES: None

ABSENT: None

ABSTAIN: None

Mayor Approval: November 29, 2010

Mayor Approval/No Return: N/A

Mayor Veto: N/A

Council Override Vote: N/A

REBECCA E. KLISCH  
City Clerk

By: *Rebecca E. Klisch*  
Deputy

APPROVED AS TO FORM

JAMES C. SANCHEZ  
CITY ATTORNEY'S OFFICE

By: *[Signature]* 10-12-10  
Robert R. Coyle Date  
Senior Deputy

RRC:elb [54184elb/rrc] Ordinance



November 19, 2010

RECEIVED

Council Adoption: 11/18/10  
Mayor Approval:  
Mayor Veto:  
Override Request:

TO: MAYOR ASHLEY SWEARENGIN  
FROM: REBECCA E. KLISCH, CMG  
City Clerk

2010 NOV 30 AM 9:07  
CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 11/18/10, Council adopted the attached Ordinance No. 2010-47 entitled **Disestablishing Bus Impvmt Area No. 1, discontinuing levy of spec bus tax, rescinding Ord. No. 71-124**, Item No. **10:10 A.M.**, by the following vote:

Ayes	:	Borgeas, Brand, Dages, Perea, Sterling, Xiong, Westerlund
Noes	:	None
Absent	:	None
Abstain	:	None

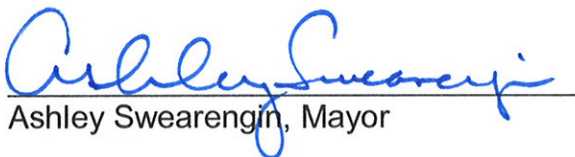
Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before November 29, 2010. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10<sup>th</sup> day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

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**APPROVED:**

**VETOED** for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

  
Ashley Swearengin, Mayor

Date: 11/29/10

**COUNCIL OVERRIDE ACTION:**

Date: \_\_\_\_\_

Ayes	:
Noes	:
Absent	:
Abstain	: